



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

December 27, 2007

BY FEDERAL EXPRESS /

Hon. Charles L. Briant  
United States District Judge  
United States Courthouse  
300 Quarropas Street, Room 275  
White Plains, New York 10601

RECEIVED

Ady to 2/15/08, 9:15 AM  
S. O'Connell  
Jan 8, 2008  
Charles L. Briant  
USDS

Re: *Ruszkiewicz v. Lauer*, 07 Civ. 10287 (CLB) (MDF)

Dear Judge Briant:

This Office represents the defendant in the above-referenced *Bivens* action, which alleges a Fourth Amendment violation, as well as common law claims for false arrest and defamation. I write for two reasons.

*First*, plaintiff has agreed to withdraw the common law claims. I have enclosed a stipulation to that effect, and respectfully request that the Court so-order it.

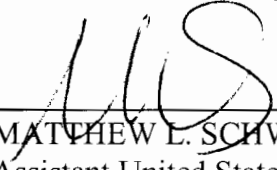
*Second*, I write to seek an adjournment of the initial conference, which is presently scheduled for January 11th. The reason for this request is that Officer Lauer has not yet been served with the complaint. If we were to count from the date when this Office physically received a copy of the complaint, her answer would not be due until January 28, 2008. Moreover, we have only just received authorization from the Department of Justice to represent Officer Lauer, and have not yet had an opportunity to review the case sufficiently to formulate our answer. Plaintiff consents to this request.

Thank you for your consideration of these requests.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By:

  
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cc: BY FACSIMILE

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JOHN J. RUSZKIEWICZ,

Plaintiff,

ECF CASE

-against-

STIPULATION

LORI LAUER,

Docket No. 07 CIV 10287

Defendant.  
-----X

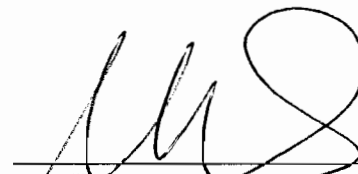
IT IS HEREBY STIPULATED by and between the parties to this action by their counsel that the New York State common law claims of false arrest and defamation set forth in plaintiff's Amended Complaint are hereby withdrawn with prejudice..

Dated: December , 2007

MICHAEL J. GARCIA  
UNITED STATES ATTORNEY



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12/26/07  
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